App. F. IX-4

1935-36
(Miscl.)

Mwg File No. 254-35
Serial Nos. 1-2

Previous References
Mwg RCP 1917-35

Later References
Mwg I. . .(1-)
. (84-38(1-2)
E-61.1-2
. 59.41.3-6
" 226-43-1-10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for June 1921

SUBJECT.

Assumption of the Management of a Sahukaram
over Chips attached to it in Chintamani
Taluk.

No 1083 & 16-7-36

To
The A.C.
Chintamani.
Send him for information
in connection with the merit-

assumption of the Management of the Chattram & Shops attached with in Chikmagalur town

General and Revenue Secretariat — Mag File No. — of 193 . — [App. F. III—2

Serial No.

Letter No App 19/35-36 dy 15.4.1936 from the Muzrai Commissioner forwarding records relating to the assumption of the Management of the Chattram and Shops attached with in Chikmagalur town, stating that the Counsel for the petitioner Asthe Municipal Council has issued him a notice under Sec 209 C.P.C. Threatening to file a suit and soliciting instructions on the points raised therein.

1) The M.C. wishes to know if The case filed before him may be proceed with or not — Subsequent to filing the appeal as a notice has been issued by the Counsel for the Appellant the Case perhaps has to be rejected & the threatened suit awaited — 2) As this is a matter which deals with the Law Dept. of which it has to be transferred —

Op 374 — 3) As the petitioner appealed to Govt. instead of appealing to the Asstt Comm. against the orders of the Dy. Comm., Kolar DO., he was

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7 35

6703-1935

File No. 1176 of 193 . | General and Revenue Secretariat

asked to appeal to the Mysore Comm.
(Vide flag E and memo no. 1003 Mysg.
27th Jany. 1936).

4.5.36. (Law Secty) 4) 2/5/36 Law

5 One Mr Adike Muninanjundappa has filed an appeal before the Mys. Commr against the order of the D.C. Kolar relating to the assumption & management of a Chattram and its Shops at Chintamani. Facts of the Case have been narrated in the D.C.'s order of 17.10.35 Both the S.D.O. and the D.C. Kolar have recorded Concurrent findings and have come to the Conclusion that the said Chattram is a Charitable Instn falling under sec 2 of the R.&Ch. Instns Regn necessary action has therefore been taken under sec 19(1) of the R.&Ch. Regn of 1927 to take the Instn under Govt management.

2 Meanwhile when the appeal is still pending disposal before the Mysore Commr the appellant is so hasty as to have got a Lawyer's notice issued to the D.C. Kolar, threatening a suit for Cancellation of the order passed in the matter. The M.C. now solicits

Law 2/5

6763

[App. F. III—2

General and Revenue Secretariat | Mur File No. of 1935.

Serial No

instructions whether it is necessary to proceed with the appeal and pass orders on its merits or whether he could suspend the proceedings in view of the notice

7 Under sec 21 of the R & C Endts Regn any person who is aggrieved by an order of the Mus. officer passed under sections 18, 19, 20 can file a suit within 6 months from the date on which the order is communicated to him, making the Mus. officer as one of the defts

The DC has passed orders on 17.10.35 It seems therefore necessary to suspend further proceedings in the appeal until the period of limitation is over

& submitted for orders

ISD 8/5

9 When an order under section 19 of the Religious & Charitable Endowments Regn is passed by a Mus officer, the party has two remedies open, one to appeal to the Mus Court and secondly to file a suit under sec 21. The mere fact of the party giving a notice of a suit under sec 21 does not prevent him from pursuing his remedy by way of appeal. I am therefore of opinion that the appeal may be heard & disposed of on merits, ignoring the notice for the present

Mur Dr) 8/5/36

Mur. H. C.

NOTE—Contn Sheet.

WD 70—GBPM—60,000—13-8 31

Mis 3 File No. 257 of 1935. General and Revenue Secretariat

(5) A draft reply to the M.C is put up

PM 13/5 14.5.36.

Issue dcs 14/5/36

TYPING SECTION
14. MAY 1936
GENL & REVENUE SECRT

No 1583 of 16/5/36 from the 2
Mysore Commissioner furnishing the opinion of the Law Secretary and stating that the appeal may be heard and disposed of on merits—

B
21/6/36

Files 254-35-1

Muzrai

OFFICE OF THE ~~REVENUE~~/COMMISSIONER,

IN MYSORE,

No. MP 14/35 6

Encs 6 f.l. & one

Dated, Bangalore, 14th April 1936.

1. SECRETARIAT 1126 APR

FROM

K.V. Anantaraman, Esq., B.A.,
Muzrai ~~Revenue~~ *Commissioner in Mysore.*

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department, Bangalore.

Assumption of the management of a Chattram and shops attached to it in Chintamani Town.

SIR,

I have the honour to forward herewith in original for reference and return correspondence ending with letter No.A.3-C. 3233/35-36 dated 1st April 1936 together with the entire records received from the Deputy Commissioner, Kolar District, regarding the above and to state that the facts of the case are fully set forth in the order of the Sub Division Officer and the Deputy Commissioner enclosed in the records.

2. As directed in your Memo No.1003/Muz. dated 27th January 1936, Mr. R. Venkataramaiya, Advocate, has filed an appeal to this office against the order of the Deputy Commissioner on behalf of his client Mr. Adike Muninanjundappa. Subsequent to the filing of the appeal Mr. Venkataramaiya has issued a notice under Section 80 of Civil Procedure Code threatening to file a suit in the Court of the District Judge, Bangalore. The Deputy Commissioner solicits orders to contest the suit, if filed and to engage the services of the Public Prosecutor to conduct the defence.

3. I request you to be so good as to consult the Law Section and favour me with instructions whether the appeal filed in this office may be proceeded with on merits or consideration of the same suspended in view of the threatened suit, as the notice to

the Deputy Commissioner is subsequent to the filing of the appeal.

I have the honour to be,

S i r,

Your most obedient servant,

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 16th May 193 6

No. 1583 / Gen Secrets,
Mzg 254-35-2

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.App.19/35-36 dated 15th April 1936 regarding the appeal petition of Mr. Adike Nanjundappa against the assumption of the management of a chattram and shops attached to it in Chintamani Town, I am directed to forward herewith the opinion of the Law Section in the matter and to state that the petition in question may be heard and disposed of on merits.

I have the honour to be,

Sir,

Your most obedient servant,

Seshaiyangappa

for General Secretary to Government.

When an order under section 19 of the Religious and Charitable Endowments Regulation is passed by a Muzrai Officer the party has two remedies open, one to appeal to the Muzrai Commissioner and secondly to file a suit under Section 21. The mere fact of the party giving a notice of suit under Section 21 does not prevent him from pursuing his remedy by way of appeal. I am therefore of opinion that the appeal may be heard and disposed of on merits, ignoring the notice for the present.

Sd/- Subbarayappa

In General Secs Welfare

Appendix F G—1]

SUBJECT .....

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Section 2-8-4-38

File No. 2-8-4-38

Serial No. 2

Diary No. of letter replied to .....

No. 1583 / with records.

To The M.C in Mysore

Sir,

With reference to your letter no apps 19/38-36 dated 15.4.1936 Regarding the appeal petition of Mr Achike Nanjundappa against the assumption of the management of a chattram and shops attached with in Chintamani town, I am directed to forward herewith the opinion of the Law Section in the matter and to state that the petition in question may be heard and disposed of on merits. I have the

General and Revenue Secretariat

( )

the *193* .

Date of issue 16.5.36

Signed by HW A.C.S

Para 9 of the Notes to be typed Separately.

List of enclosures .....

Copied by .....

Examined by.....

WD 01956—GPB—22,500—12-6-34

14/5/36

Send Jeag typist

VSK